

For Immediate Release

Lafitte: a name that comes at a price

Whatever happened to justice? What law could justify the transformation of trademark defence into a strategy to crush those most humble? In recent times, prestigious wine estates have brought lawsuit after lawsuit to protect the exclusivity of their name. In reality, these long-haul, excessively burdensome proceedings, which are multiplied abroad, only have one aim: to force owners to change the identity of their estate.

It is true that we are now used to living under a regime of permanent lawsuits. In light of this litigious, accusatory and judiciarist doxa, any family name resembling another appears to be guilty in itself. No matter that the name has been filed and registered for many years. No matter that the name is linked to a secular history, a *lieu-dit*, an ancient regional term or a long line of owners. Those who destroy a name destroy its memory. A name attests to the work of our forefathers. Old honour also resides in these old stones. As Hugo wrote, “the past is a big and vulnerable thing”.

A typical case is that of Château Lafitte, Côtes de Bordeaux in Camblanes, owned by the Mengin family. The first attack was carried out in 2003, when Château Lafite-Rothschild issued a summons to Philippe Mengin under the pretext that he was exploiting the name Lafite. This was despite the fact that the estate has held the name Lafitte since 1763, long before that of the Pauillac Premier Grand Cru Classé. Lafite-Rothschild lost the lawsuit at the initial hearing, then on appeal, before being dismissed once and for all before the Court of Appeal. Curtains down on act one. In 2011, Philippe Mengin filed the name of his château with the Chinese authorities, who recognised the validity of the name based on the lawsuits won in France. Then came another attack from Lafite-Rothschild, who objected to the trademark being filed in China. In September 2015, Château Lafitte was granted the right to keep its name in China and Lafite-Rothschild was rejected once again.

The battle is endless. Today, the Mengin family continues to defend itself against Lafite-Rothschild, which uses every possible means to have its trademark nullified in China, despite its objections being rejected by the trade administration. New proceedings, this time judicial rather than administrative, have been filed to bring about the demise of Château Lafitte in China. Furthermore, a new court case has been brought in Switzerland, in which Lafite-Rothschild accuses Château Lafitte of damaging the integrity of its brand and misleading the consumer on the origin of the cru. The argument is spurious: how could any connoisseur mistake the origin of two wines, unquestionably both from Bordeaux, but from different appellations, with different presentations and different prices (one at 40 euros, the other at 800)? It is also an ultimately curious argument, bearing in mind that, through its supreme court, France (the country of origin of both

wines) has already judged definitively and long ago that there is only one Château Lafitte (one word) in Bordeaux: that of the Mengin family, whose rights precede those of Lafite-Rotschild. Are Chinese or Swiss consumers less intelligent or more easily tricked than French ones?

Further bullying from Lafite-Rotschild, more insidious but no less effective, involves pressuring certain merchants and distributors to force them to decline allocations of the Côtes de Bordeaux.

Despite these repeated legal proceedings, the Mengin family continues to fight. It is a matter of principle and integrity. It remains confident in the discernment of the justice system in France and abroad, as well as the media, which has striven to report on this unequal battle between David and Goliath.

It is incumbent upon us all to denounce “this systematic cleansing”. If litigiousness succeeds in wiping out these small family properties, the consumer will also be harmed.

“Justice without force is powerless; force without justice is tyrannical.” Blaise Pascal
Does the pretext of trademark protection in fact conceal a battle of egos rather than a need for clarity? Such a battle is now obsolete. Some large châteaux continue to delight in extracting astronomical sums of money (which they often already have too much of) from small wine producers (who do not have any!). In some cases, this can represent the “abuse of a dominant position” and constitute harassment.

As much as the justice system should tackle counterfeits and deceptive practices, it should also send packing those who wish to kill off humble yet age-old wine estates which have, for decades (or even centuries in the case of Château Lafitte), operated publicly with dignity and loyalty to their brand.

Pride should not be enough to fuel legal proceedings in the world of wine; as with any other human activity, there are much more intelligent things to be done...

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